

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MELVIN MACAUALY,

Plaintiff,

v.

Case No. 08-14097
Hon. Lawrence P. Zatkoff

TIBURON FINANCIAL, L.L.C. and
WELLS FARGO FINANCIAL NATIONAL BANK

Defendants.

ORDER TO DISMISS IN PART

Plaintiff filed his complaint on September 24, 2008. Plaintiff's complaint contains the following five counts:

- | | |
|-----------|------------------------------------------------------|
| Count I | Violations of the Fair Debt Collection Practices Act |
| Count II | Violation of the Telephone Consumer Protection Act |
| Count III | Violations of the Michigan Occupational Code |
| Count IV | Violation of the Fair Credit Billing Act |
| Count V | Violations of the Michigan Collection Practices Act |

The Court has subject-matter jurisdiction over Counts I, II, & IV because they arise under federal law. 28 U.S.C. § 1331. Counts III & V, however, are based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claims in this matter. The Court finds that the contemporaneous presentation

of Plaintiff's parallel state claims for relief will result in the undue confusion of the jury. *See id.*; *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state-law claims (Counts III & V) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Counts I, II, & IV).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: October 15, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 15, 2008.

s/Marie E. Verlinde

Case Manager

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